

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3445

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 16 (legislative day, NOVEMBER 2), 1993

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

To improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Hazard Mitigation and  
5       Flood Damage Reduction Act of 1993”.

1 **SEC. 2. HAZARD MITIGATION.**

2 (a) FEDERAL SHARE.—Section 404 of The Robert T.  
3 Stafford Disaster Relief and Emergency Assistance Act  
4 (42 U.S.C. 5170c) is amended by striking “50 percent”  
5 and inserting “75 percent”.

6 (b) TOTAL CONTRIBUTIONS.—Section 404 of such  
7 Act is further amended by striking “10 percent” and all  
8 that follows through the period and inserting “15 percent  
9 of the estimated aggregate amounts of grants to be made  
10 under this Act (less administrative costs) with respect to  
11 such major disaster.”.

12 (c) APPLICABILITY.—The amendments made by this  
13 section shall apply to any major disaster declared on or  
14 after June 10, 1993.

15 **SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSIST-**  
16 **ANCE.**

17 Section 404 of The Robert T. Stafford Disaster Re-  
18 lief and Emergency Assistance Act (42 U.S.C. 5170c) is  
19 further amended—

20 (1) by inserting “(a) IN GENERAL.—” before  
21 “The President”; and

22 (2) by adding at the end the following:

23 “(b) PROPERTY ACQUISITION AND RELOCATION AS-  
24 SISTANCE.—

25 “(1) GENERAL AUTHORITY.—In providing haz-  
26 ard mitigation assistance under this section in con-

1        nection with flooding, the Director of the Federal  
2        Emergency Management Agency may provide prop-  
3        erty acquisition and relocation assistance for  
4        projects which meet the requirements of paragraph  
5        (2).

6            “(2) TERMS AND CONDITIONS.—An acquisition  
7        or relocation project shall be eligible for funding  
8        pursuant to paragraph (1) only if—

9            “(A) the recipient of such funding is an  
10       applicant otherwise eligible under the hazard  
11       mitigation grant program established under  
12       subsection (a); and

13           “(B) the recipient of such funding enters  
14       into an agreement with the Director under  
15       which the recipient provides assurances that—

16           “(i) properties acquired, accepted, or  
17       from which structures will be removed  
18       under the project will be dedicated and  
19       maintained in perpetuity to uses which are  
20       compatible with open space, recreational,  
21       or wetlands management practices;

22           “(ii) new structures will not be erect-  
23       ed in designated special flood hazard areas  
24       other than (I) public facilities which are  
25       open on all sides and functionally related

1 to a designated open space, (II) rest  
2 rooms, and (III) structures which are ap-  
3 proved in writing before the start of con-  
4 struction by the Director; and

5 “(iii) no future disaster assistance for  
6 damages relating to flooding will be sought  
7 from or provided by any Federal source for  
8 any property acquired or accepted under  
9 the acquisition or relocation project.”.

10 **SEC. 4. FLOOD CONTROL AND FLOODPLAIN MANAGEMENT**  
11 **POLICIES.**

12 (a) STUDIES.—The Secretary of the Army shall con-  
13 duct studies to assess national flood control and floodplain  
14 management policies.

15 (b) CONTENTS.—The studies conducted under this  
16 section shall—

17 (1) identify critical water, sewer, transpor-  
18 tation, and other essential public facilities which cur-  
19 rently face unacceptable flood risks;

20 (2) identify high priority industrial, petrochemi-  
21 cal, hazardous waste, and other facilities which re-  
22 quire additional flood protection due to the special  
23 health and safety risks caused by flooding;

24 (3) evaluate current Federal, State, and local  
25 floodplain management requirements for infrastruc-

1       ture improvements and other development in the  
2       floodplain and recommend changes to reduce the po-  
3       tential loss of life, property damage, economic losses,  
4       and threats to health and safety caused by flooding;

5           (4) assess the adequacy and consistency of ex-  
6       isting policies on nonstructural flood control and  
7       damage prevention measures and, where appro-  
8       priate, identify incentives and opportunities for  
9       greater use of such nonstructural measures;

10          (5) identify incentives and opportunities for en-  
11       vironmental restoration as a component of the Na-  
12       tion's flood control and floodplain management poli-  
13       cies;

14          (6) examine the differences in Federal cost-  
15       sharing for construction and maintenance of flood  
16       control projects on the Upper and Lower Mississippi  
17       River systems and assess the effect of such dif-  
18       ferences on the level of flood protection on the  
19       Upper Mississippi River and its tributaries; and

20          (7) assess current Federal policies on pre-event  
21       repair and maintenance of both Federal and non-  
22       Federal levees and recommend Federal and non-  
23       Federal actions to help prevent the failure of these  
24       levees during flooding.

1 (c) CONSULTATION.—In conducting studies under  
2 this section, the Secretary of the Army shall consult the  
3 heads of appropriate Federal agencies, representatives of  
4 State and local governments, the agricultural community,  
5 the inland waterways transportation industry, environ-  
6 mental organizations, recreational interests, experts in  
7 river hydrology and floodplain management, other busi-  
8 ness and commercial interests, and other appropriate per-  
9 sons.

10 (d) REPORT.—Not later than June 30, 1995, the  
11 Secretary of the Army shall transmit to Congress a report  
12 on the results of the studies conducted under this section.

13 **SEC. 5. FLOOD CONTROL MEASURES ON UPPER MIS-**  
14 **SISSIPPI AND LOWER MISSOURI RIVERS AND**  
15 **THEIR TRIBUTARIES.**

16 (a) STUDIES.—The Secretary of the Army shall con-  
17 duct studies of the Upper Mississippi River and Lower  
18 Missouri River and their tributaries to identify potential  
19 solutions to flooding problems in such areas and to rec-  
20 ommend specific water resources projects that would re-  
21 sult in economically and environmentally justified flood  
22 damage reduction measures in such areas.

23 (b) CONTENTS.—The studies conducted under this  
24 section shall—

25 (1) reflect public input;

1           (2) include establishment of baseline conditions  
2           to allow for a full assessment of economic and envi-  
3           ronmental costs and benefits associated with flood  
4           damage reduction projects and changes in land use  
5           patterns;

6           (3) identify options for development of com-  
7           prehensive solutions for improved long-term flood  
8           plain management;

9           (4) identify feasibility studies of specific  
10          projects or programs that are likely to improve flood  
11          damage reduction capabilities;

12          (5) assess the impact of the current system of  
13          levees and flood control projects and current water-  
14          shed management and land use practices on the  
15          flood levels experienced on the Upper Mississippi  
16          River and Lower Missouri River and their tribu-  
17          taries in 1993 and evaluate the cost-effectiveness of  
18          a full range of alternative flood damage reduction  
19          measures, including structural and nonstructural  
20          measures, such as the preservation and restoration  
21          of wetlands;

22          (6) recommend flood control improvements and  
23          other flood damage reduction measures to reduce  
24          economic losses, damage to public facilities, and the  
25          release of hazardous materials from industrial, pet-

1       rochemical, hazardous waste, and other facilities  
2       caused by flooding of the Upper Mississippi River  
3       and Lower Missouri River and their tributaries; and

4               (7) assess the environmental impact of current  
5       flood control measures and the flood control im-  
6       provements recommended under this section.

7       (c) CONSULTATION.—In conducting studies under  
8       this section, the Secretary of the Army shall consult the  
9       heads of other Federal agencies with water resources and  
10      floodplain management responsibilities.

11      (d) REPORT.—Not later than June 30, 1995, the  
12      Secretary of the Army shall transmit to Congress a report  
13      on the results of the studies conducted under this section.

14      **SEC. 6. EMERGENCY RESPONSE.**

15      Section 5(a)(1) of the Act entitled “An Act authoriz-  
16      ing construction of certain public works on rivers and har-  
17      bors for flood control, and for other purposes”, approved  
18      August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by  
19      inserting before the first semicolon the following: “, or in  
20      implementation of nonstructural alternatives to the repair  
21      or restoration of such flood control work if requested by  
22      the non-Federal sponsor”.



1 **SEC. 7. TREATMENT OF REAL PROPERTY BUYOUT PRO-**  
2 **GRAMS.**

3 (a) INAPPLICABILITY OF URA.—The purchase of any  
4 real property under a qualified buyout program shall not  
5 constitute the making of Federal financial assistance  
6 available to pay all or part of the cost of a program or  
7 project resulting in the acquisition of real property or in  
8 any owner of real property being a displaced person (with-  
9 in the meaning of the Uniform Relocation Assistance and  
10 Real Property Acquisition Policies Act of 1970).

11 (b) DEFINITION OF “QUALIFIED BUYOUT PRO-  
12 GRAM”.—For purposes of this section, the term “qualified  
13 buyout program” means any program that—

14 (1) provides for the purchase of only property  
15 damaged by the major, widespread flooding in the  
16 Midwest during 1993;

17 (2) provides for such purchase solely as a result  
18 of such flooding;

19 (3) provides for such acquisition without the  
20 use of the power of eminent domain and notification  
21 to the seller that acquisition is without the use of  
22 such power;

23 (4) is carried out by or through a State or a  
24 unit of general local government; and

25 (5) is being assisted with amounts made avail-  
26 able for—

- 1                   (A) disaster relief by the Federal Emer-  
2                   gency Management Agency; or  
3                   (B) other Federal financial assistance pro-  
4                   grams.

Passed the House of Representatives November 15,  
1993.

Attest:           DONNALD K. ANDERSON,  
*Clerk.*